

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TERRY MARK GUIDRY, SR.,	§	
(TDCJ-CID #788956)	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION H-08-1257
	§	
DELETA JONES, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ORDER**

Terry Mark Guidry, a Texas Department of Criminal Justice inmate, sued in April 2008, alleging civil rights violations resulting from harassment, retaliation, and denial of due process. Because Guidry's complaint had not demonstrated that he was in imminent danger of serious physical injury, this court found that Guidry was barred under 28 U.S.C. § 1915(g) from proceeding *in forma pauperis* in this action.

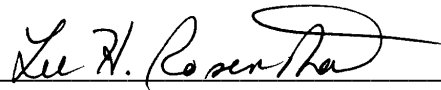
Guidry's Motion for Reconsideration, (Docket Entry No. 21), Motion in Opposition, (Docket Entry No. 22), and Motion for Relief from Judgment, (Docket Entry No. 23), are denied for the reasons stated previously.

Guidry has filed a motion for extension of time to file his notice of appeal. (Docket Entry No. 24). Rule 4(a)(5)(A) of the Federal Rules of Appellate Procedure authorizes this court to extend the time to file a notice of appeal if a party makes such motion no later than thirty days after the expiration of the time allowed in Fed. R. App. P. 4(a). The party must also show excusable neglect or good cause. No extension may exceed thirty days after the

prescribed time or ten days after the date when the order granting the motion is entered, whichever is later.

This court's order of dismissal was entered on May 29, 2008. (Docket Entry No. 20). Rule 4(a) provides that a notice of appeal must be filed with the district clerk within 30 days after the judgment or order appealed from is entered. Guidry's notice of appeal was due by June 28, 2008. Because June 28 fell on a Saturday, the notice of appeal was due the following Monday, June 30, 2008. FED. R. CIV. P. 6(a). Guidry signed his motion for extension on July 7, 2008; it was filed on July 10, 2008, within thirty days after the deadline for filing the notice of appeal. (Docket Entry No. 24). Guidry explains that he received a copy of this court's judgment on May 31, 2008 and that on the following day, he was transferred to the Skyview Unit because of his mental health issues. Guidry has shown good cause for failing to file a timely notice of appeal. Guidry must file his Notice of Appeal no later than ten days after the date this order is entered. Guidry's Motion for Extension, (Docket Entry No. 24), is GRANTED.

SIGNED on August 1, 2008, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal  
United States District Judge